APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,380	01/22/2001	Fumio Nagashima	1080.1045CIPD3	1046

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EXAMINER
VO, TED T

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

PPL

Office Action Summary	Application N~~○~~ 09/765,380	Applicant(s) NAGASHIMA ET AL.
	Examiner Ted T. Vo	Art Unit 2122

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 June 2003_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _53-55 and 58_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _53-55 and 58_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☒ Certified copies of the priority documents have been received in Application No. _08/855,986_ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _8_ .		6) ☐ Other: .

DETAILED ACTION

1.   This action is in response to the communication filed on 6/2//2003.

Claims 53-55, and 58 are pending.

Response to Arguments

2.   Responsive to applicant's arguments of claims 53-55, and 58 over Schakelford, where the

limitation, "having a graphical user interface" has been amended into the claims 53, 55, and recited in the

preamble of claim 58 (amendment filed on paper #9).

Based on this limitation, applicants argued that they recite GUI in their claims while Schakelford does not

disclose or suggest GUI (remarks filed on 6/2/2003). Applicants argued that it would not obvious at the

time to their application to add GUI to the system discussed by Schakelford (remarks filed on paper # 9).

Examiner responds: Applicants admitted that GUI is used common in computer art by submitting a

definition of GUI (TechEncyclopedia). As read in from the definition, the means of GUI is as being a

standard way for users to interact with a computer. The clear fact is that computers are incorporated with

user interface. It is well known and obvious to an ordinary in the art that a typical window operating

system has GUI and has been existed before the application. The window operating system itself has

means of GUI (for instance, Microsoft window 95, Macintosh GUI, or IBM OS/2). A typical window is

associated with a common feature such as "button" or "click" (event) in the window for issuing event

/receiving event with another program/object/function/procedure inside the window in runtime mode.

Therefore it would be obvious to add GUI to a system of the Schakelford at the time of this application for

conforming to a standard, which was then very well known.

On the other hand, the claims 53-55, 58 have functionality, which is nothing to do with GUI, particularly in

term of graphics. For example, in claim 53 it recites, "*A storage medium, comprising: storage for a*

component which servers as one object in combination with existing software having a graphical user

interface, said component issuing an event of the existing software in response to a message issued in another object".

The amended limitation "*having a graphical user interface*", even though is in the claim, does nothing to the functionality of the claim. This limitation is an intended use since there is no step, functionality, or further limitation of the claim to connect to the use of GUI.

See MPEP 706.03(a). Language directed to an intended use did not result in a structural or functional difference with respect to prior art and were held not to serve as a limitation on the claim. See *In re Schreiber,* 44 USPQ2d 1429 (CAFC 1997).

Thus, a limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim. In other words, language that is not functionally interrelated with the useful acts, structure, or properties of the claim will not serve as a limitation. See In re Gulack, 217 USPQ 401 (CAFC 1983), Ex parte Carver, 227 USPQ 465 (BdPatApp&Int 1985) and In re Lowry, 32 USPQ2d 1031 (CAFC 1994) where language provided certain limitations because of specific relationships required by the claims.

In this situation, applicants attempt to broaden the scope of the claim. The breadth of claims meets the teaching of identified arts.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 53-55, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schakelford

(US Patent No. 5,265,206).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per claim 53:

Regarding claim limitations: "*A storage medium, comprising: storage for a component which servers as*

one object in combination with existing software having a graphical user interface, said component

issuing an event of the existing software in response to a message issued in another object",

Schakelford teaches storage such as a memory (see abstract) that stores an object manager or a

messenger, which is combined with an object-oriented programming environment and an application

program (figure 1) to provide message issuing to another object (see, started from column 4, line 62 to

column 5, line 36, "A messenger's job is to deceiver a request").

Schakelford does not explicitly addresses the object oriented system environment having GUI, but

implicitly suggested a generic means of object oriented computer environment (figure 1).

Official notice is taken that having GUI is well-known in the art at the time of this application since GUI is a

standard way to allow a communication between a user and a computer. For example: IBM OS/2,

Window95, etc.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was

made to include GUI in the object-oriented programming system environment for conforming a well-

known computer standard.

As per claim 54: Schakelford teaches component further includes a message for informing other objects

that the event is issued through the executing method (see column 2, lines 1-18, "the method

corresponds... message call").

As per claim 55:

Regarding claim limitations: "*A storage medium, comprising: storage for a component which servers as*

one object in combination with existing software having a graphical user interface, said component said

component including a massage for informing other objects, upon receipt of occurrence of an event of

existing software that the event is generated",

Schakelford teaches storage such as a memory (see abstract) that stores an object manager or a

messenger, which is combined with an object-oriented programming environment and an application

program (figure 1) to provide messages for informing another object (see, started from column 4, line 62

to column 5, line 36, "In this illustration the Messenger will essentially pass the call on to that object").

Schakelford does not explicitly addresses the object oriented system environment having GUI, but

implicitly suggested a generic means of object oriented computer environment (figure 1).

Official notice is taken that having GUI is well known in the art at the time of this application since GUI is a

standard way to allow a communication between a user and a computer. For example: IBM OS/2,

Window95, etc.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was

made to include GUI in the object-oriented programming system environment for conforming a well-

known computer standard.

As per claim 58: Claim 58 has the functionality corresponding to the functionality of claim 53. The claim is

rejected in the same reason set forth in connecting to the rejection of claim 53.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be

reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone

are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers for this Group are:

Official: (703) 746-7239; After Final: (703) 746-7238; Non-Official: (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TUAN Q. DAM
PRIMARY EXAMINER

TTV
July 25, 2003